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7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

Case No. 2:20-mj-00217-DJA

9 Plaintiff,

10 v.  
**Stipulation to Extend Deadlines to**  
**Conduct Preliminary Hearing and**  
**File Indictment (Second Request)**

11 BILLY JOE WEST,

12 Defendant.

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14 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
15 Trutanich, United States Attorney, and Jessica Oliva, Assistant United States Attorney,  
16 counsel for the United States of America, and David R. Fischer, Esq., counsel for  
17 Defendant Billy Joe West, that the Court vacate the preliminary hearing scheduled for May  
18 4, 2020, at 4:00 p.m. and reschedule the hearing for a date and time convenient to this  
19 Court, but no sooner than 30 days from the currently scheduled date. This request requires  
20 that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21  
21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an  
22 information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C.  
23 § 3161(b).

1       This stipulation is entered into for the following reasons:

2       1.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
3       preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial  
4       appearance] if [the defendant is] not in custody . . .”

5       2.       However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
6       showing of good cause—taking into account the public interest in the prompt disposition of  
7       criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
8       times . . .”

9       3.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
10      information or indictment charging an individual with the commission of an offense shall be  
11      filed within thirty days from the date on which such individual was arrested or served with a  
12      summons in connection with such charges. If an individual has been charged with a felony  
13      in a district in which no grand jury has been in session during such thirty-day period, the  
14      period of time for filing of the indictment shall be extended an additional thirty days.”

15      4.       Defendant needs additional time to review the discovery and investigate  
16      potential defenses to prepare for the preliminary hearing.

17      5.       Moreover, the parties have entered into negotiations in an attempt to  
18      promptly resolve this case and reduce the judicial and government resources required by  
19      this case. The defense requires additional time to adequately advise Defendant regarding  
20      any plea negotiations.

21      6.       The additional time requested herein is not sought for the purposes of delay,  
22      but to allow counsel for Defendant sufficient time to effectively and thoroughly research and  
23      prepare and to determine whether to proceed with a preliminary hearing and indictment or  
24      to resolve this case through negotiations.

7. Accordingly, the parties jointly request that the Court schedule the preliminary hearing in this case no sooner than 30 days from the currently scheduled date.

8. Defendant is out of federal custody, agrees to the extension of the 21-day deadline imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between Defendant's initial appearance on March 23, 2020, and the rescheduled preliminary be excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. §3161(b).

9. The parties agree to the extension of these deadlines.

10. Accordingly, the additional time requested by this stipulation is (a) allowed under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

11. This is the second request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 13 day of April, 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH  
United States Attorney

/s/ David R. Fischer  
DAVID R. FISCHER, ESQ.  
Counsel for Defendant  
BILLY JOE WEST

/s/ Jessica Oliva  
JESSICA OLIVA  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BILLY JOE WEST,  
Defendant.

Case No. 2:20- mj-00217-DJA

**Order on Stipulation to  
Continue Preliminary Hearing and  
Deadline to Indict Defendant**

BILLY JOE WEST,

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of  
the person being served; the time requested by this stipulation being excludable in computing  
the time within which the defendant must be indicted and the trial herein must commence  
in accordance to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of  
Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for May 4, 2020 at the hour of 4:00 p.m., be vacated and continued to Friday, June 12, 2020 at the hour of 4:00 p.m.

DATED: April 14, 2020

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HONORABLE DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE